PATENT
Attorney Docket No. 224183

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mody et al.

Serial No. 10/680,542 Group Art Unit: 2176

Filed: October 7, 2003 Examiner: Termanini, Samir

Appeal No. 2009-005171

For: A TABLET COMPUTER
SYSTEM FOR INDUSTRIAL
PROCESS DESIGN,
SUPERVISORY CONTROL,
AND DATA MANAGEMENT

REQUEST FOR REHEARING
PURSUANT TO 37 CFR §§ 41.52

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants request rehearing of the appeal taken from the examiner's final rejection. An oral hearing is not requested. Appellants' brief supporting this request for rehearing is provided herein.

I. Introduction

The Board Decision on Appeal (Decision) affirms the rejection of the presently pending claims based upon an erroneous finding that the Viewsonic and InTouch references, in combination, disclose each of the recited elements of the claimed invention. In particular Appellants respectfully request that the Board reconsider whether the combined teachings of the Viewsonic and InTouch references disclose, in claim 1, **"the applications interact with a user via a set of tablet PC interface services associated with the human-machine interface."**

II. Background

A. Subject of Request for Reconsideration

This request is for reconsideration of the Board Decision affirming the Final Office Action's rejection of claims 1-18 under 35 USC §103. Appellants seek reconsideration of the Board Decision affirming the final rejection of independent claim 1 based upon an unduly broad interpretation of the claimed "set of tablet PC interface services." See, Decision, pages 5-6.

B. The Claimed Invention

Claim 1 is directed to a tablet personal computer system (see, tablet PCs 100 and page 6, lines18-21) and software (see, FIG. 2 and page 7, line 22 to page 8, line 30) facilitating performing a variety of design, supervisory and/or data management tasks associated with industrial processes. The tablet PC system includes a human-machine interface, including a touch-sensitive display region, integrated into a tablet personal computer. See, page 12, lines 13-23. The claimed tablet computer system also includes a wireless communication resource. See, page 6, lines 22-29. The table personal computer system software includes a set of one or more application programs relating to supervisory control of industrial processes. See, Applications 230 of FIG. 2, and page 8, lines 19-30.

Furthermore, in accordance with the invention recited in claim 1, the application programs interact with a user via a set of tablet PC interface services associated with the human-machine interface. See, e.g., Common services 220 in FIG. 2 and page 8, lines 8-18. Thus, in accordance with the presently claimed invention, a service approach is utilized that facilitates adapting the aforementioned industrial process applications to a tablet PC's extended HMI functionality. Appellants' claimed set of services provide a common interface by which the industrial process supervisory applications exploit the extended capabilities of the tablet PC hardware and tablet PC operating system.

C. The Prior Art

The ViewSonic ViewPad does indeed disclose a tablet PC that was known at the time of the invention. The ViewPad includes hardware and drivers supporting use of a touch-sensitive graphical human machine interface.

The InTouch human-machine interface application reference, upon which the final rejection of the claims relies, discloses a prior art version of Wonderware's InTouch® HMI application that was indeed known at the time of the invention. The InTouch reference is indeed an example of a supervisory control application program. The prior art InTouch® program was capable of running on the Windows CE platform. **The prior art version of the InTouch® application did not incorporate the presently claimed "set of table PC interface services".**

As noted in the Background section of Appellants' application, the InTouch® application generally operated on a stationary computer. The InTouch® application did not incorporate the claimed "set of tablet PC interface services" that facilitates interaction between a USER and the Tablet PC's human-machine interface. **Thus, the prior art InTouch application could not exploit the extended HMI capabilities of tablet PCs such as using a tablet PC's electronic pen for annotating a screen shot.**

III. Grounds for Requesting Reconsideration

A. The prior art InTouch application did not contain program code to "interact with a user via a set of tablet PC interface services" and thus could not incorporate the claimed "set of tablet PC interface services"

Appellants' request for reconsideration of the Decision is based upon divergent interpretations of the recited "set of one or more applications relating to supervisory control of industrial processes" element. Appellants' non-obviousness argument is based upon the absence of program code within the prior art InTouch application that would enable incorporating the "set of tablet PC interface services" into the InTouch application. See, Appellants' specification, at page 8, lines 8-10, Appellants' FIG. 2, and Appellants' Reply, last paragraph on page 2 (finishing on page 3). *The Decision appears to agree, at least implicitly, that such program code did not exist in the prior art InTouch application.*

The Decision finds that the recited element could be carried out in the prior art InTouch application notwithstanding the absence of any program code in the prior art InTouch application for utilizing the claimed "set of tablet PC interface services." See, Decision, page 6, lines 3-12. The Decision references PenOffice® as an example of the claimed set of tablet PC interface services. See, Decision, page 5. Moreover, the Decision appears to acknowledge (at page 6, lines 3-6) that PenOffice® is a *standalone* application that operates independently of a receiving application (e.g., prior art version of InTouch), and the prior art InTouch application would merely receive input text generated by the PenOffice® without any awareness of the actual source (i.e., PenOffice®) of the input text.

Appellants' claimed invention is directed to a "services" oriented architecture wherein Applications incorporate a "set of tablet PC interface services." In contrast, the combined teachings of ViewSonic/PenOffice® and the prior art InTouch application suggests using two separately executing *applications* to carry out Appellants' "service" based functionality (e.g., providing handwritten electronic pen input). The prior art suggests performing the claimed functionality using standalone *applications* rather than the claimed "set of services." Appellants therefore request reconsideration of whether the ViewSonic PC "integrated applications" approach, suggested by the combined teachings of the prior art references, falls within Appellants' claimed set of applications that "interact with a user via a set of tablet PC interface services associated with the human-machine interface." **Appellants' request for reconsideration is particularly directed to whether the PenOffice® standalone application could constitute one of Appellants' claimed "services" that are incorporated into the claimed set of application programs.**

IV. Conclusion

Appellants request modification of the Decision affirming the Examiner's rejection of each of the presently pending claims (1-18) set forth in the Final Office Action.

Respectfully submitted by,

Date: March 29, 2010

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APPENDIX
Appealed Claims

1. (Original) A tablet personal computer system and software facilitating performing a variety of design, supervisory and/or data management tasks associated with industrial processes including:

a human-machine interface, including a touch-sensitive display region, integrated into a tablet personal computer;

a wireless communication resource; and

a set of one or more application programs relating to supervisory control of industrial processes, wherein the application programs interact with a user via a set of tablet PC interface services associated with the human-machine interface.

2. (Original) The tablet personal computer system of claim 1 wherein the human-machine interface includes an electronic pen user interface.

3. (Original) The tablet personal computer of claim 2 further comprising handwriting recognition software.

4. (Original) The tablet personal computer system of claim 2 further comprising a handwriting input recognition panel.

5. (Original) The tablet personal computer system of claim 2 further comprising an annotation functionality enabling capture and annotation, using the electronic pen user interface, of a view displayed on the tablet personal computer.

6. (Original) The tablet personal computer system of claim 1 wherein an application program supports collaborative design functionality that enables users to review, edit and annotate a proposed design for industrial process control.

7. (Original) The tablet personal computer system of claim 1 wherein the set of applications includes a production management application program supporting access to a set of databases.

8. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application verification software for confirming proper design logic by setting values and observing statuses of controlled equipment.

9. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application software enabling data entry for controlling a plant floor device.

10. (Original) The tablet personal computer system of claim 1 further comprising an integrated camera, and wherein the set of application programs includes application software supporting capturing an image and further annotating the captured image.

11. (Original) The tablet personal computer system of claim 10 wherein the camera is a still image camera.

12. (Original) The tablet personal computer system of claim 10 wherein the camera is a video camera.

13. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application software for receiving data input for entry into a database.

14. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application software facilitating offline data analysis.

15. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application software facilitating online data analysis.

16. (Previously presented) The tablet personal computer system of claim 1 wherein the set of application programs includes application software incorporating a user interface for selectively capturing and annotating, via handwritten input, real time information.

17. (Original) The tablet personal computer system of claim 1 wherein the set of application programs includes application software for capturing end of shift snapshots.

18. (Original) The tablet personal computer system of claim 1 further including user authentication mechanisms.